

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TRACI ST. CLAIRE,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No.: 1:17-cv-03370-AT-JFK
DITECH FINANCIAL LLC,)	
f/k/a GREEN TREE)	
SERVICING, LLC)	
)	
Defendant.)	

**DITECH FINANCIAL, LLC’S UPDATED NOTICE OF BANKRUPTCY
CONFIRMATION OF CHAPTER 11 PLAN,
DISCHARGE, AND INJUNCTION**

Defendant Ditech Financial, LLC, provides this Notice that on February 11, 2019, (the “**Commencement Date**”), Ditech Financial, LLC, Ditech Holding Corporation (f/k/a Walter Investment Management Corp.) and its debtor affiliates, as debtors and debtors in possession (collectively, the “**Debtors**”), each commenced a voluntary case (the “**Chapter 11 Cases**”) under chapter 11 of title 11 of the United States Code (11 U.S.C. § 101 *et seq.*) (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”). The Chapter 11 Cases are being jointly administered under Case No. 19-10412 (JLG).

On September 26, 2019, the Bankruptcy Court entered the Order Confirming Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors (ECF No. 1403) approving the terms of the Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors (ECF No. 1326) (the “**Plan**”).

A copy of the Order confirming the Plan and the Plan are attached as **Exhibit A**. The Plan contains a permanent injunction (the “**Injunction**”) that specifically prohibits parties from prosecuting against Ditech any claim for money damages that arose prior to September 30, 2019 (the “**Effective Date**”). The Plan states that upon the Effective Date, all entities holding “a Claim or Interest and any affiliate of such holder shall be deemed to have forever waived, released, and discharged the Debtors, to the fullest extent permitted by section 1141 of the Bankruptcy Code, of and from any and all Claims, Interest, rights, and liabilities that arose prior to the Effective Date.” (ECF No. 1403-1, Sec. 10.3). Further, any such entity “shall be forever precluded and enjoined, pursuant to section 524 of the Bankruptcy Code, from prosecuting or asserting any such discharged Claim against or terminated Interest in the Debtors against the Debtors, the Reorganized Debtors, or any of their Assets or property.” (*Id.*).

As this Court previously held, Plaintiff’s complaint “seeks monetary damages” against Ditech. (Doc. 50). Plaintiff’s complaint fails within the defined

term “Claim” within the Plan. (ECF No. 1403-1, Sec. 1.29). The Plan defines “Claim” consistent with the Bankruptcy Code, which states that a “claim” is a “right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.” 11 U.S.C. § 101(5)(A). Given that Plaintiff’s claims arose before the Effective Date, they are discharged, and Plaintiff is enjoined from continuing to pursue her lawsuit against Ditech. (ECF No. 1403-1, Secs. 10.3. 10.5).

As this Court already recognized, “[the Bankruptcy] Court shall have exclusive jurisdiction to hear and resolve” disputes over its orders. (Doc. 50). The Debtor reserves and retains all rights to seek relief in Bankruptcy Court from any action, judgment, order, or ruling entered in violation of the Injunction.

Respectfully submitted this 5th day of November, 2019.

/s/ Keith S. Anderson

Keith S. Anderson (GA Bar No. 136246)

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Certification of Compliance

I hereby certify that the foregoing document has been prepared in 14-point Times New Roman font and complies with LR 5.1(B).

/s/Keith S. Anderson

Keith S. Anderson

Certificate of Service

I hereby certify that I have this date electronically filed the foregoing **DITECH FINANCIAL, LLC'S NOTICE OF CONFIRMATION OF CHAPTER 11 PLAN AND DISCHARGE AND INJUNCTION OF PLAINTIFF'S CLAIMS** by the CM/ECF online filing system with U.S. District Court for the Northern District of Georgia and that I have on November 5, 2019, also served the foregoing via U.S. Mail on the following:

Traci St. Claire
8390 Emerald Pointe Lane
Gainesville, GA 30506

/s/Keith S. Anderson

Keith S. Anderson